IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 1005 of 1998

Between:

Balu Ramanamma W/o Balu Narayanasetty
R/o Nellipudi Village, Vakadu Mandal,
Nellore District.

... PETITIONER

AND

1 The Commissioner of Land Revenue,
Government of Andhra Pradesh, Hyderabad.
2 The District Collector, Nellore District.
3 The Sub-Collector, Gudur, Nellore District.
4 The Mandal Revenue Officer,
Vakadu Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the in action of the respondents in considering the application dt.16-6-97 submitted on behalf of the petitioner for allotment of 29 cents of dry land in S.No.69/5 and 14 cents of dry land in S.No.69/11 of Nellipudi Village, Vakadu Mandal, Nellore District for market value considering the petitioners long possession and enjoyment and for effective enjoyment of patta lands in ac.2-11 cents comprised in S.No.69/2,69/7 and 69/4 of the same village under the provisions of Board Standing Orders and the further action of the 4th Respondent in seeking to assign the land to the third parties as illegal, arbitrary without jurisdiction and violative of Art.14,19(i)(g) and 21 of the Const. of India and consequently direct the respondents to consider the application dt.16-6-97.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

Petitioner, widow of Mr. Narayanasetty, claims to be the owner and possessor of Ac.0.53 cents in S.No.69/2, Ac.1.24 cents in S.No.69/7 and Ac.0.33 cents in S.No.69/4 of Nelilpudi village, Vakadu Mandal, Nellore District. She states that the said land, is bounded by Toopili Kaluva on the North, and the land of Sri S. Padmanabhaiah Setty, who is the husband of her sister, is on the West and that a small extent of land admeasuring Ac.0.29 cents situated between her land and Toopilikaluva in S.No.69/5 and an extent of Ac.0/14 cents of land in S.No.69/11 situated between the part of the house has been in their possession for the last more than 50 years. She further states that when she came to know that the above two extents belong to the Government, petitioner's son Balakrishna is said to have submitted an application dated

16-06-1997 to the Mandal Revenue Officer, requesting to assign the said land for market value under the provisions of the Board Standing Orders. It is stated that fourth respondent, by his proc.Rc.B.1768/85, dated

08-09-1997, recommended to the second respondent for assignment of the said land in the petitioner's favour and requested the third respondent to fix the market value of the said land, which is pending consideration. It is further the case of the petitioner that at the instance of the local M.L.A., the fourth respondent while taking steps to assign the lands to landless poor, is trying to evict her from the lands in question, which gave rise to filing of the present writ petition.

2. Respondents filed counter affidavit admitting that S.Nos.69/5 and 69/11 to an extent of Ac.0.29 cents and Ac.0.14 cents respectively, was assigned to one Surisetty Padmanabhasetty of Nellipudi village in Gudur Tahsildar's F.Dis.88/77 dated 13-02-1968 and the said lands are being enjoyed by Balu Narayanasetty (husband of the petitioner). It is further stated that petitioner herself had sent a petition dated 26-04-1997 to the District Collector, Nellore, who sent the same to the MRO requesting him to assign the land in S.No.69/5 and 69/11 on market value and the same was received by him on 03-06-1997. It is also contended by the respondents that even though the original assignee of the said land is Mr. Padmanabhasetty, the petitioner had been in possession of the land in question.

3. Under those circumstances and keeping in view the fact that the application filed by the petitioner dated 16-06-1997, seeking assignment of the said land, is pending before the respondents, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider the representation made by the petitioner dated 16-06-1997 in accordance with Para-10 of the Board Standing Orders and pass appropriate orders. Till such time, *status quo* obtaining as on today with regard to the land in question, shall be maintained.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA, J

March 7, 2005

MRR

Copy to:

1 The Commissioner of Land Revenue, Government of Andhra Pradesh,

Hyderabad.
2 The District Collector, Nellore District.
3 The Sub-Collector, Gudur, Nellore District.
4 The Mandal Revenue Officer, Vakadu Mandal, Nellore District.

5 Two C.C. s to the G.P. for Revenue, High Court Buildings,

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